

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOVELLA JOHNSON,

Plaintiff,

-against-

CITY OF NEW YORK, METROPOLITAN
TRANSIT AUTHORITY, MANHATTAN AND
BRONX SURFACE TRANSIT OPERATING
AUTHORITY AND DAVID COLLUM,

Defendants.

07 CV 5805 (RJS)

**NOTICE OF VOLUNTARY
DISMISSAL OF CLAIMS
AGAINST DEFENDANT
CITY OF NEW YORK**

PLEASE TAKE NOTICE THAT plaintiff Novella Johnson, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily discontinues without prejudice her action in the above captioned matter solely as against defendant City of New York, who not yet served an answer or moved for summary judgment. Accordingly, the plaintiff's action against defendant City of New York is hereby dismissed without prejudice.

Dated: Brooklyn, New York
November 9, 2007

REIBMAN & WEINER
Attorneys for Plaintiff

By: s/
Michael Lumer (ML-1947)
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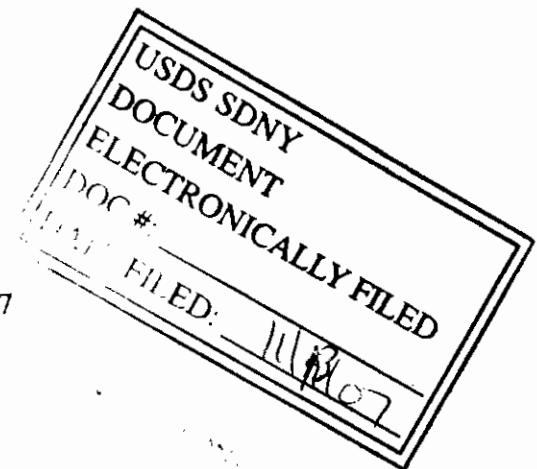
To: Jennaydra D. Clunis, Esq. (By ECF)
Kristen Nolen, Esq. (By ECF)
Francine Menaker, Esq. (By ECF)

SO ORDERED
Dated: 11/9/07 RICHARD J. SULLIVAN
U.S.D.J.

REIBMAN & WEINER

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Facsimile (718) 643-9297

November 9, 2007



By ECF

Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Johnson v. City of New York, et. al.,*
07 CV 5805 (RJS)

Dear Judge Sullivan:

Our firm represents the plaintiff in the above captioned action. I write to request that the pre-motion conference scheduled for November 13, 2007, be cancelled as moot.

On October 31, 2007, defendant City of New York wrote to the Court requesting a conference in anticipation of moving to dismiss the action on the ground that it is an improper party. Plaintiff has today filed a voluntary dismissal of the action against defendant City of New York pursuant to Fed. R. Civ. P. 41(a)(1). Parenthetically, the plaintiff is not dismissing its claims against any of remaining defendants.

Accordingly, defendant City of New York's contemplated motion to dismiss is now moot, and there is no basis for the scheduled conference.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Michael B. Lumer (ML-1947)

cc: Jennaydra D. Clunis, Esq. (By ECF)
Kristen Nolen, Esq. (By ECF)
Francine Menaker, Esq. (By ECF)

SO ORDERED
Dated: 11/9/07
RICHARD J. SULLIVAN
U.S.D.J.